

<p>query signal matches any of a plurality of reference signal, comprising:</p> <p>a first processor configured to create a plurality of reference signal abstracts for each one of a plurality of reference signals,</p> <p>wherein each one of said plurality of reference signal abstracts comprises signal characteristic parameters configured to differentiate between other versions of that one of said plurality of reference signals;</p> <p>a reference database storing said plurality of reference signal abstracts;</p> <p>a device configured to determine if a query signal matches any one plurality of reference signals by comparing a <u>query signal abstract</u> of said query signal with at least one abstract of said plurality of reference signal abstracts stored in said reference database.</p>	<p>parameters configured to differentiate between other versions of that one of said plurality of reference signals</p> <p>'494 (29)</p>		<p>characterize a signal that distinguish between multiple Versions of the same Reference Signal”</p>	
	<p>distributing at least one signal based on the comparison step</p> <p>'494 (22)</p> <p>'700 (51)</p>	<p>No construction required.</p>	<p>“delivering at least one signal resulting from the comparison to multiple recipients”</p>	
	<p>matches</p> <p>'494 (29)</p> <p>'700 (1)</p> <p>'472(3,8,11,12)</p>	<p>No construction required.</p>	<p>“is indistinguishable from”</p>	
	<p>a device configured to determine if a query signal matches any one plurality of reference signals</p> <p>'494 (29)</p>	<p>No construction required.</p> <p>Not governed by §112¶6.</p>	<p>Means plus function.</p> <p>Function: determine if a Query Signal matches any one plurality of Reference Signals</p> <p>Structure: no structure or algorithm disclosed. To the extent the Court determines this term is not means-</p>	

			<p>plus-function, Defendants propose this term is indefinite. To the extent the Court finds this term is not indefinite, Defendants propose:</p> <p>“A separate hardware component of the computerized system configured to determine if a Query Signal Matches any one plurality of Reference Signals”.</p>	
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U.S. Patent 7,660,700 (Asserted Claims 1, 6, 7, 8, 10, 11, 40, 49, 50, 51)				
Asserted Claims With Disputed Terms and Phrases	Disputed Claim Terms and Phrases	Plaintiff’s Proposed Construction	Defendants’ Proposed Construction	Court’s Construction
1. An electronic system for monitoring and analyzing at least one signal, comprising: a first input that receives at least one reference signal to be monitored, a first processor that creates an abstract of each reference signal input to said first processor through said first input wherein the abstract comprises signal characteristic parameters configured to differentiate between a plurality of versions of the reference signal ;	Signal characteristic parameters configured to differentiate between a plurality of versions of the reference signal	No construction required.	“parameters that characterize a signal that distinguish between multiple Versions of the same Reference Signal”	

<p>a second input that receives at least one query signal to be analyzed,</p> <p>a second processor that creates an abstract of each query signal wherein the abstract comprises signal characteristic parameters of the query signal;</p> <p>a reference database that stores abstracts of each at least one reference signal;</p> <p>a comparing device that compares an abstract of said at least one query signal to the abstracts stored in the reference database to determine if the abstract of said at least one query signal matches any of the stored abstracts wherein a match indicates the query signal is a version of at least one of the reference signals.</p>				
<p>6. The system of claim 1, wherein at least two of the stored abstracts comprise information corresponding to two versions of at least one reference signal.</p>	<p>a comparing device that compares</p> <p>'494 (1, 11)</p> <p>'700 (1)</p> <p>'472 (11)</p>	<p>[no construction necessary]</p> <p>Alternatively: a comparator⁴</p> <p>Not governed by § 112¶6.</p>	<p>Means plus function.</p> <p>Function: comparing</p> <p>Structure: no structure or algorithm</p> <p>To the extent the Court determines this term is not means-plus-function, Defendants propose this term is indefinite.</p>	

⁴ Defendants object to Blue Spike first proposing “comparator” as its construction in this joint statement.

			<p>To the extent the Court finds this term is not indefinite, Defendants propose:</p> <p>“A separate hardware component of the computerized system [that compares/ for comparing/ able to compare]”.</p>	
<p>7. The system of claim 1, wherein the stored abstracts comprise data describing a portion of the characteristics of its associated reference signal.</p>	<p>Wherein the system applies a cryptographic protocol</p> <p>’700 (10)</p>	<p>No construction required.</p>	<p>Indefinite.</p>	
<p>8. The system of claim 7, wherein the characteristics of the reference signal being described comprise at least one of a <u>perceptible characteristic</u>, a <u>cognitive characteristic</u>, a <u>subjective characteristic</u>, a <u>perceptual quality</u>, a recognizable characteristic or combinations thereof.</p>	<p>The system of claim 10, wherein the cryptographic protocol is one of at least a hash or digital signature and further comprising storing the hashed abstract and/or digitally signed abstract.</p> <p>’700 (11)</p>	<p>No construction required.</p>	<p>Indefinite.</p>	

10. The system of claim 1, wherein the system applies a cryptographic protocol to the abstract of said reference signal, said query signal , or both said reference signal and said query signal .				
11. The system of claim 10, wherein the cryptographic protocol is one of at least a hash or digital signature and further comprising storing the hashed abstract and/or digitally signed abstract.				
40. A process for analyzing and <u>identifying</u> at least one signal, comprising: receiving at least one reference signal to be identified, creating an abstract of each reference signal received based on <u>perceptual characteristics representative of parameters to differentiate between versions of the reference signal</u> ; storing abstracts of each reference signal received in a database; receiving at least one query signal <u>to be identified</u> , creating an abstract of the received query signal based on the parameters; and comparing an abstract of said received query signal to the abstracts stored in the database to determine if the abstract of said received query signal is related to any of the stored abstracts.				
49. The process of claim 40, wherein the process further comprises applying a cryptographic protocol to the abstract of				

said reference signal , said query signal , or both said reference signal and said query signal .				
50. The process of claim 49, wherein the cryptographic protocol is one of at least a hash or digital signature and further comprising storing the <u>hashed abstract</u> and/or digitally signed abstract .	digitally signed abstract '700 (50)	No construction required.	"data that results from performing a Digital Signature on an Abstract"	
51. The process of claim 40, further comprising distributing at least one signal based on the comparison step.				

U.S. Patent 7,346,472 (Asserted Claims 3, 4, 8, 11, 12)				
Asserted Claims With Disputed Terms and Phrases	Disputed Claim Terms and Phrases	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
3. A method for monitoring and analyzing at least one signal comprising: receiving at least one reference signal to be monitored; creating an abstract of said at least one reference signal; storing the abstract of said at least one reference signal in a reference database ; receiving at least one query signal to be analyzed; creating an abstract of said at least one query signal ; comparing the abstract of said at least one query signal to the abstract of said at	creating at least one counter corresponding to one of said at least one reference signals '472 (3,8)	No construction required.	"creating an element used for counting, which corresponds to a particular Reference Signal"	
	incrementing the counter corresponding to a particular reference signal when a match is found	No construction required.	"increasing the value of the element used for counting when a Match is found"	

least one reference signal to determine if the abstract of said at least one query signal matches the abstract of said at least one reference signal ; creating at least one counter corresponding to one of said at least one reference signals , said at least one counter being representative of the number of times a match is found between the abstract of said at least one query signal and the abstract of said at least one reference signal ; and incrementing the counter corresponding to a particular reference signal when a match is found between an abstract of said at least one query signal and the abstract of the particular reference signal .	'472 (3,8)			
	match '472 (4,8)	No construction required.	"is indistinguishable from"	
4. The method of claim 3 further comprising: <u>recording</u> an occurrence of a match between the abstract of said at least one query signal and the abstract of said at least one reference signal ; and generating a report that identifies the reference signal whose abstract matched the abstract of said at least one query signal .	Identifies	[AGREED] Parties agreed that no construction is required given the ordinary meaning as understood by a person of ordinary skill in the respective art.	[AGREED] Parties agreed that no construction is required given the ordinary meaning as understood by a person of ordinary skill in the respective art.	
	generating a report '472(4)	No construction required.	"creating a serial output which can be subsequently processed to determine the total number of times a various signals have been detected"	

8. A method for monitoring a plurality of reference signals , comprising: creating an abstract for each of the plurality of reference signals ; storing each of said abstracts in a reference database ; receiving at least one query signal to be analyzed; creating an abstract of each of the at least one query signals ; locating an abstract in the reference database that matches the abstract of each at least one query signal ; <u>recording the identify of the</u> reference signal whose abstract matched the abstract of each at least one query signal ; creating at least one counter corresponding to one of said plurality of reference signals , said at least one counter being representative of the number of times a match is found between the abstract of said at least one query signal and an abstract of one of said plurality of reference signals ; and incrementing the counter corresponding to a particular reference signal when a match is found between an abstract of said at least one query signal and the abstract of the particular reference signal .				
	matched	No construction required.	“was indistinguishable from”	

	'472 (4,8)			
	recording the identify [sic] of the reference signal '472 (8)	“recording the identity of the reference signal”	“storing the unique label that corresponds to only one Reference Signal”	
11. A computerized system for monitoring and analyzing at least one signal: a processor that creates an abstract of a signal using selectable criteria ; a first input that receives at least one reference signal to be monitored, said first input being coupled to said processor such that said processor may generate an abstract for each reference signal input to said processor; a reference database , coupled to said processor, that stores abstracts of each at least one reference signal ; a second input that receives at least one query signal to be analyzed, said second input being coupled to said processor such that said processor may generate an abstract for each query signal ; a comparing device , coupled to said reference database and to said second input, that compares an abstract of said at least one query signal to the abstracts stored in the reference database to	selectable criteria '472(11)	“criteria that is selectable”	“Rules available for selection, which create different Abstracts for a particular reference signal”	
	index of relatedness '472 (11)	No construction required.	Indefinite. To the extent the Court believes that this term is not indefinite, then Defendants propose: “a rank of closeness between the Query Signal itself and the abstracts stored in the Reference Database”	

determine if the abstract of said at least one query signal matches any of the stored abstracts , wherein the comparing device identifies at least two abstracts in the reference database that match the abstract of said at least one query signal and an index of relatedness to said at least one query signal for each of said at least two matching abstracts .				
12. The system of claim 11, further comprising: a security controller that controls access to a secured area , such that access is granted only if the comparing device confirms that an abstract of said at least one query signal matches an abstract of said at least one reference signal .	matching '472 (11)	No construction required.	"indistinguishable"	
	a security controller that controls access to a secured area '472 (12)	No construction required.	Indefinite. To the extent the Court believes that this term is not indefinite, then Defendants propose: "a hardware device that prevents unauthorized access"	

Certificate of Service

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email.

/s/ Randall T. Garteiser